

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO.: 4:12CV168-HTW-LRA

**CITY OF MERIDIAN; COUNTY OF
LAUDERDALE; JUDGE FRANK
COLEMAN, in his Official Capacity;
JUDGE VELDORE YOUNG, in her
Official Capacity; STATE OF MISSISSIPPI;
MISSISSIPPI DEPARTMENT OF HUMAN
SERVICES; AND MISSISSIPPI DIVISION
OF YOUTH SERVICES**

DEFENDANTS

**STATE OF MISSISSIPPI, MISSISSIPPI DEPARTMENT OF HUMAN SERVICES,
AND MISSISSIPPI DIVISION OF YOUTH SERVICES' ANSWER AND DEFENSES**

The State of Mississippi ("State"), Mississippi Department of Human Services ("MDHS") and the Mississippi Division of Youth Services ("DYS")(sometimes collectively referred to as the "State Defendants"), submit their Answer and Defenses to the Complaint filed by the United State of America ("Plaintiff") as follows:

FIRST DEFENSE

The Complaint fails to state a claim against the State Defendants upon which relief can be granted.

SECOND DEFENSE

The Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

THIRD DEFENSE

The Plaintiff's claims against the State Defendants, if any, are moot.

FOURTH DEFENSE

The Plaintiff's claims against the State Defendants fail because this Court lacks subject matter jurisdiction.

FIFTH DEFENSE

The Plaintiff has failed to join a necessary party pursuant to Rule 19 of the Federal Rules of Civil Procedure.

SIXTH DEFENSE

The Complaint fails to state a claim against the State Defendants under Article III, § 2 cl.1 of the United States Constitution.

SEVENTH DEFENSE

The Plaintiff's claims, if any, are the result of actions and/or inactions of individuals and/or entities for which the State Defendant are not liable, vicariously or otherwise.

EIGHTH DEFENSE

The State Defendants reserve the right to include such other further and additional defenses should they become available during this litigation.

ANSWER

AND NOW, without waiving or in any way prejudicing its right to be heard on any or all of the above enumerated defenses, the State Defendants respond to each of the enumerated paragraphs of the Plaintiff's Complaint as follows:

INTRODUCTION

1. To the extent that the allegations in paragraph 1 are directed to the State Defendants, the same are denied.

2. To the extent that the allegations in paragraph 2 are directed to the State Defendants, the same are denied.

3. To the extent that the allegations in paragraph 3 are directed to the State Defendants, the same are denied.

4. To the extent that the allegations in paragraph 4 are directed to the State Defendants, the same are denied.

5. To the extent that the allegations in paragraph 5 are directed to the State Defendants, the same are denied.

6. Any documents relied on by Plaintiff in paragraph 6 speak for themselves. Therefore, the State Defendants deny the characterization of the summary of research in paragraph 6.

7. To the extent that the allegations in paragraph 7 are directed to the State Defendants, the same are denied.

8. To the extent that the allegations in paragraph 8 are directed to the State Defendants, the same are denied.

9. The letter referred to by Plaintiff in paragraph 9 speaks for itself and therefore, the State Defendants deny the characterization included in paragraph 9 of the Complaint.

10. To the extent that the allegations in paragraph 10 are directed to the State Defendants, the same are denied.

11. The letter referred to by Plaintiff in paragraph 11 speaks for itself and therefore, the State Defendants deny the characterization included in paragraph 11 of the Complaint.

12. The letter referred to by Plaintiff in paragraph 12 speaks for itself and therefore, the State Defendants deny the characterization included in paragraph 12 of the Complaint.

13. The letter referred to by Plaintiff in paragraph 13 speaks for itself and therefore, the State Defendants deny the characterization included in paragraph 13 of the Complaint.

14. The letter referred to by Plaintiff in paragraph 14 speaks for itself and therefore, the State Defendants deny the characterization included in paragraph 14 of the Complaint.

15. The letter referred to by Plaintiff in paragraph 15 speaks for itself and therefore, the State Defendants deny the characterization included in paragraph 15 of the Complaint.

16. To the extent that the allegations in paragraph 16 are directed to the State Defendants, the same are denied.

17. To the extent that the allegations in paragraph 17 are directed to the State Defendants, the same are denied.

JURISDICTION AND VENUE

18. The allegations in paragraph 18 refer to 42 U.S.C. § 14141 which speaks for itself and therefore, the State Defendants deny the characterization in paragraph 18 of the Complaint.

19. The State Defendants admit that the case is brought pursuant to 42 U.S.C. § 14141 which would give this Court subject matter jurisdiction. The State Defendants deny that the Plaintiff's have stated a claim against them pursuant to 42 U.S.C. § 14141.

20. The State Defendants admit that they are located in this District, but deny that any "events, actions or omissions" give rise to any cause of action against the State Defendants.

DEFENDANTS

21. The allegations in paragraph 21 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

22. The allegations in paragraph 22 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

23. The allegations in paragraph 23 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

24. The allegations in paragraph 24 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

25. The laws existing in the State of Mississippi related to the MDHS and the DYS, which are public agencies created by statute speak for themselves and therefore, the State Defendants deny the characterization in paragraph 25 of the Complaint.

26. Other than to admit that the MDHS is a public agency created by and existing under the laws of the State of Mississippi, those laws speak for themselves and therefore, the State Defendants deny the characterization in paragraph 26 of the Complaint.

27. Other than to admit that the DYS is a public agency created by and existing under the laws of the state of Mississippi, those laws speak for themselves and therefore, the State Defendants deny the characterization in paragraph 27 of the Complaint.

STATEMENT OF FACTS

To the extent that the unnumbered and underlined caption contains any allegations, the State Defendants lack sufficient information to admit or deny the allegations and therefore, deny the same.

28. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 28 of the Complaint and deny the same.

29. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 29 of the Complaint and deny the same.

30. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 30 of the Complaint and deny the same.

31. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 31 of the Complaint and deny the same.

32. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 32 of the Complaint and deny the same.

33. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 33 of the Complaint and deny the same.

34. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 34 of the Complaint and deny the same.

35. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 35 of the Complaint and deny the same.

The State Defendants deny the allegation in the unnumbered underlined caption.

36. To the extent that the allegations in paragraph 36 are directed to the State

Defendants, the same are denied.

37. The allegations in paragraph 37 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

38. To the extent that the allegations in paragraph 38 are directed to the State Defendants, and further, to the extent that the allegations refer to documents, said documents speak for themselves and the State Defendants deny the characterizations in paragraph 38 of the Complaint.

39. To the extent that the allegations in paragraph 39 are directed to the State Defendants, the same are denied.

40. The allegations in paragraph 40 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

41. To the extent that the allegations in paragraph 41 are directed to the State Defendants, the same are denied.

The State Defendants deny the allegations in the unnumbered underlined caption.

42. To the extent that the allegations in paragraph 42 are directed to the State Defendants, the same are denied.

43. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 43 of the Complaint and deny the same.

44. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 44 of the Complaint and deny the same.

45. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 45 of the Complaint and deny the same.

46. To the extent that the allegations in paragraph 46 are directed to the State Defendants, the same are denied.

To the extent that the unnumbered caption is directed to the State Defendants, the same are denied.

47. The allegations in paragraph 47 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

48. The allegations in paragraph 48 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

49. The allegations in paragraph 49 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

50. The allegations in paragraph 50 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

51. The allegations in paragraph 51 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

52. The State Defendants lack information sufficient to admit or deny the allegations

of paragraph 52 of the Complaint and deny the same.

53. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 53 of the Complaint and deny the same.

54. The allegations in paragraph 54 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

55. The allegations in paragraph 55 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

56. The allegations in paragraph 56 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

57. The allegations in paragraph 57 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

58. The allegations in paragraph 58 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

The State Defendants lack sufficient information to admit or deny the allegations in the unnumbered underlined caption and deny the same.

59. The allegations in paragraph 59 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and

the allegations are construed to adversely affect the State Defendants, the same are denied.

60. The allegations in paragraph 60 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

61. The allegations in paragraph 61 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

62. The allegations in paragraph 62 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

63. The allegations in paragraph 63 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

64. The allegations in paragraph 64 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

65. The allegations in paragraph 65 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

66. The allegations in paragraph 66 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

67. The allegations in paragraph 67 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

68. The allegations in paragraph 68 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

69. The allegations in paragraph 69 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

70. The allegations in paragraph 70 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

71. The allegations in paragraph 71 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

72. The allegations in paragraph 72 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

73. The allegations in paragraph 73 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

74. The allegations in paragraph 74 are directed to a co-defendant and require no

response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

To the extent that the allegations in the unnumbered underlined caption are directed to the State Defendants, the same are denied.

75. The allegations in paragraph 75 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

76. The allegations in paragraph 76 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

77. The statute referred to in paragraph 77 speaks for itself and therefore, the State Defendants deny the characterization included in paragraph 77 of the Complaint.

____ 78. To the extent that the allegations referred to in paragraph 78 are based on unidentified documents, the State Defendants lack information sufficient to admit or deny the allegations of paragraph 78 of the Complaint and deny the same. To the extent that the allegations referred to in paragraph 78 are based on documents the content speaks for itself and therefore, the State Defendants deny the characterization included in paragraph 78 of the Complaint.

79. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 79 of the Complaint and deny the same.

80. The allegations in paragraph 80 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and

the allegations are construed to adversely affect the State Defendants, the same are denied.

81. The allegations in paragraph 81 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

82. The allegations in paragraph 82 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

83. The allegations in paragraph 83 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

84. The allegations in paragraph 84 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

85. The allegations in paragraph 85 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

86. The allegations in paragraph 86 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

87. The document referred in paragraph 87 of the Complaint speaks for itself and therefore, the State Defendants deny the characterization included in paragraph 87 of the Complaint.

88. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 88 of the Complaint and deny the same.

89. The allegations in paragraph 89 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

90. The allegations in paragraph 90 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

The allegations in the unnumbered underlined caption are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

91. The allegations in paragraph 91 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

92. The allegations in paragraph 92 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

93. The allegations in paragraph 93 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

94. The allegations in paragraph 94 are directed to a co-defendant and require no

response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

95. The allegations in paragraph 95 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

96. The allegations in paragraph 96 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

97. The allegations in paragraph 97 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

98. The allegations in paragraph 98 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

99. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 99 of the Complaint and deny the same.

100. The allegations in paragraph 100 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

101. The allegations in paragraph 101 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

102. The allegations in paragraph 102 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

103. The allegations in paragraph 103 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

104. The allegations in paragraph 104 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

105. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 105 of the Complaint and deny the same.

106. The allegations in paragraph 106 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

107. The allegations in paragraph 107 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

108. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 108 of the Complaint and deny the same.

109. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 109 of the Complaint and deny the same.

110. The State Defendants lack information sufficient to admit or deny the allegations

of paragraph 110 of the Complaint and deny the same.

111. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 111 of the Complaint and deny the same.

The allegations in the unnumbered underlined caption refer to a document which speaks for itself and therefore, the State Defendants deny the characterization in the unnumbered underlined caption.

112. The allegations in paragraph 112 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

113. The State Defendants are unable to either admit or deny the allegations in the first sentence of paragraph 113 with respect to the phrase “typically present a recommendation to the Youth Court concerning specific probation requirements for each child.” Any written documents concerning specific probation requirements for a particular individual speak for themselves and therefore, the State Defendants deny the characterization included in paragraph 113 of the Complaint. The allegations in the remaining sentences of paragraph 113 are directed to co-defendants and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

114. The allegations in paragraph 114 are admitted to the extent that the Youth Counselor presents the probation contract to the youth which must be signed by a parent/guardian/custodian. An attorney for the youth may also be present. Otherwise, the State Defendants deny the characterization in paragraph 114.

115. The document referred to in paragraph 115 speaks for itself and therefore, the State Defendants deny the characterization in paragraph 115 of the Complaint.

116. The document referred to in paragraph 116 speaks for itself and therefore, the State Defendants deny the characterization in paragraph 116 of the Complaint.

117. The document referred to in paragraph 117 speaks for itself and therefore, the State Defendants deny the characterization in paragraph 117 of the Complaint.

118. The document referred to in paragraph 118 speaks for itself and therefore, the State Defendants deny the characterization in paragraph 118 of the Complaint.

119. The document referred to in paragraph 119 speaks for itself and therefore, the State Defendants deny the characterization in paragraph 119 of the Complaint.

120. The document referred to in paragraph 120 speaks for itself and therefore, the State Defendants deny the characterization in paragraph 120 of the Complaint.

121. The document referred to in paragraph 121 speaks for itself and therefore, the State Defendants deny the characterization in paragraph 121 of the Complaint.

122. The document referred to in paragraph 122 speaks for itself and therefore, the State Defendants deny the characterization in paragraph 122 of the Complaint.

123. The document referred to in paragraph 123 speaks for itself and therefore, the State Defendants deny the characterization in paragraph 123 of the Complaint.

The allegations directed to the State Defendants in the unnumbered underlined caption are denied.

124. The DYS Youth Court Counselors have no legal authority to advise any individual of his or her Miranda rights or obtain an informed waiver of those rights. Any

allegations in paragraph 124 that appear to suggest such authority are denied.

125. The allegations in paragraph 125 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

126. The allegations in paragraph 126 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

127. The allegations in paragraph 127 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

128. The allegations in paragraph 128 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

129. The allegations in paragraph 129 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

130. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 130 of the Complaint and deny the same.

131. The allegations in the first sentence of paragraph 131 are admitted only to the extent that the Youth Counsel can make a recommendation to the Youth Court who makes the determination. The allegations in the second sentence of paragraph 131 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is

later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

132. The allegations in paragraph 132 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

133. The document referred to in paragraph 133 speaks for itself and therefore, the State Defendants deny the characterization in paragraph 133 of the Complaint.

134. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 134 of the Complaint and deny the same.

The allegations in the unnumbered underlined caption directed to the State Defendants are denied.

135. The document referred to in paragraph 135 speaks for itself and therefore, the State Defendants deny the characterization in paragraph 135 of the Complaint.

136. The allegations in paragraph 136 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

137. The allegations in paragraph 137 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

138. The allegations in paragraph 138 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

139. The allegations in paragraph 139 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

140. The allegations in paragraph 140 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

141. The allegations in paragraph 141 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

142. To the extent that the allegations in paragraph 142 are directed to the State Defendants, the same are denied.

143. The allegations in paragraph 143 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

144. To the extent that the allegations in paragraph 144 are directed to the State Defendants, the same are denied.

145. The allegations in paragraph 145 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

The allegations in the unnumbered underlined caption are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are

denied.

146. The allegations in paragraph 146 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

147. The allegations in paragraph 147 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

148. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 148 of the Complaint and deny the same.

149. The State Defendants lack information sufficient to admit or deny the allegations of paragraph 149 of the Complaint and deny the same.

To the extent that the allegations in the unnumbered underlined caption are directed to the State Defendants, the same are denied.

150. The allegations in paragraph 150 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

151. The allegations in paragraph 151 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

152. The allegations in paragraph 152 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

153. The allegations in paragraph 153 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

154. The allegations in paragraph 154 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

155. The allegations in paragraph 155 refer to written communications which speak for themselves and therefore, the State Defendants deny the characterizations in paragraph 155 of the Complaint.

156. To the extent that the allegations in paragraph 156 are directed to the State Defendants, those allegations refer to written communications which speak for themselves and therefore, the State Defendants deny the characterizations in paragraph 155 of the Complaint.

157. The documents referred to in paragraph 157 speak for themselves and therefore, the State Defendants deny the characterization in paragraph 157 of the Complaint.

158. The documents referred to in paragraph 158 speak for themselves and therefore, the State Defendants deny the characterization in paragraph 158 of the Complaint.

159. To the extent that the allegations in paragraph 159 are directed to the State Defendants, the same are denied.

160. To the extent that the allegations in paragraph 160 are directed to the State Defendants, the same are denied.

161. To the extent that the allegations in paragraph 161 are directed to the State Defendants, the same are denied.

162. The State Defendants deny the allegations outlined in the Complaint and therefore, deny the allegation in paragraph 162.

FIRST CLAIM FOR RELIEF

Violation of Fourth Amendment and 42 U.S.C. § 14141 against Defendant City of Meridian

163. The State Defendants repeat and readopt the answer and defenses set forth in paragraphs 1 through 162 as if set forth herein.

164. The allegations in paragraph 164 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

165. The allegations in paragraph 165 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

166. The allegations in paragraph 166 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

167. The allegations in paragraph 167 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

168. The allegations in paragraph 168 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

SECOND CLAIM FOR RELIEF

Violation of Due Process in Violation of Fourth, Fifth, and Fourteenth Amendments and 42 U.S.C. § 14141 against Defendants Lauderdale County, Judge Coleman and Judge Young

169. The State Defendants repeat and readopt the answer and defenses set forth in paragraphs 1 through 168 as if set forth herein.

170. The allegations in paragraph 170 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

171. The documents referred to in paragraph 171 speak for themselves and therefore, the State Defendants deny the characterization in paragraph 171 of the Complaint.

172. The decisions of the United States Supreme Court speak for themselves and therefore, the State Defendants deny the characterization in paragraph 172 of the Complaint.

173. The allegations in paragraph 173 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

174. The allegations in paragraph 174 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

175. The allegations in paragraph 175 are directed to a co-defendant and require no response from the State Defendants. To the extent that an answer is later deemed required, and the allegations are construed to adversely affect the State Defendants, the same are denied.

THIRD CLAIM FOR RELIEF

Violation of Procedural Process in Violation of Fifth and Fourteenth Amendments and 42 U.S.C. § 14141 against Defendants Lauderdale County, Judge Coleman, Judge Young State of Mississippi, Department of Human Services and Division of Youth Services

176. The State Defendants repeat and readopt the answer and defenses set forth in paragraphs 1 through 175 as if set forth herein.

177. To the extent that the allegations in paragraph 177 are directed to the State Defendants, the same are denied.

178. The documents referred to in paragraph 178 speak for themselves and therefore, the State Defendants deny the characterization in paragraph 178 of the Complaint.

179. To the extent that the allegations in paragraph 179 are directed to the State Defendants, the same are denied.

180. To the extent that the allegations in paragraph 180 are directed to the State Defendants, the same are denied.

181. To the extent that the allegations in paragraph 181 are directed to the State Defendants, the same are denied.

182. To the extent that the allegations in paragraph 182 are directed to the State Defendants, the same are denied.

FOURTH CLAIM FOR RELIEF

Violation of Substantive Due Process in Violation of Fourteenth Amendment and 42 U.S.C. § 14141 against All Defendants

183. The State Defendants repeat and readopt the answer and defenses set forth in paragraphs 1 through 182 as if set forth herein.

184. To the extent that the allegations in paragraph 184 are directed to the State Defendants, the same are denied.

185. To the extent that the allegations in paragraph 185 are directed to the State Defendants, the same are denied.

186. To the extent that the allegations in paragraph 186 are directed to the State Defendants, the same are denied.

187. To the extent that the allegations in paragraph 187 are directed to the State Defendants, the same are denied.

188. To the extent that the allegations in paragraph 188 are directed to the State Defendants, the same are denied.

189. The documents referred to in paragraph 189 speaks for themselves and therefore, the State Defendants deny the characterization in paragraph 189 of the Complaint.

190. To the extent that the allegations in paragraph 190 are directed to the State Defendants, the same are denied.

191. To the extent that the allegations in paragraph 191 are directed to the State Defendants, the same are denied.

PRAYER FOR RELIEF

The allegations in the unnumbered paragraph beginning with the word WHEREFORE, including sub-parts (a) through (f), are denied and it is specifically denied that the Plaintiff is entitled to any relief from the State Defendants.

All allegations heretofore neither expressly admitted nor denied are now denied.

THIS the 30th day of November, 2012.

Respectfully Submitted,

STATE OF MISSISSIPPI; MISSISSIPPI
DEPARTMENT OF HUMAN SERVICES;
MISSISSIPPI DIVISION OF YOUTH SERVICES

By: JIM HOOD, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: /s/ Douglas T. Miracle
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed electronically with the Clerk of Court and thereby served on the following persons:

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THIS, the 30th day of November, 2012.

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